

Claim 1 recites a printing method for an optical printer “wherein the printing head is moved out of an exposure area of the photographic recording medium during the preliminary emission process.” (emphasis added). The Examiner concedes that Deguchi discloses a print head that is stationary, but still maintains his contention that it would have been obvious to configure the print head to move out of the exposure area. Applicant disagrees.

When obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. *In re Kotzab*, 55 USPQ2d 1313, 1316-1317 (citing *B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp.*, 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996)); *see also* MPEP § 2142 (quoting *Ex parte Clapp*, 227 USPQ 972, 973 (B. Pat. App. & Inter. 1985)) (“To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.”).

The Examiner concedes that Deguchi does not disclose a print head that is moved out of an exposure area, but attempts to cure this deficiency by contending that moving the recording medium relative to the print head is equivalent to moving the recording head. Applicant submits that the Examiner’s line of reasoning is not convincing for at least the reasons given below.

First, the Examiner contends that Deguchi teaches that “the preliminary emission process is performed before printing and the recording medium is not conveyed and raised into position

until the device is ready to print” and cites col. 2, lines 1-10 and col. 7, lines 15-29 to allegedly support his contention. (Office Action page 4). Applicant disagrees.

In col. 2, lines 1-10, Deguchi discloses that “before the image recording on the photosensitive material is started after the power source for the apparatus is turned [sic] on, preliminary light emission to let the light-emitting sections of the recording head emit light is conducted” (col. 2, lines 5-9). Deguchi also discloses that “the term ‘before the image recording on the photosensitive material is started after the power source for the apparatus is turned on’ means the time period before the image recording to form an image for actual use on the photosensitive material is conducted after the power source for the apparatus is turned on” (col. 2, lines 15-20). (emphasis added). Col. 7, lines 15-29 of Deguchi merely discloses the construction of the recording apparatus. Neither section has any disclosure related to the movement of the photographic paper prior to printing.

Applicant submits that a fair reading of these sections would only suggest to one skilled in the art that a preliminary light emission is conducted prior to printing an actual image. There is no disclosure or suggestion in Deguchi to support the Examiner’s contention that “the recording medium is not conveyed and raised into position until the device is ready to print.”

Applicant submits that it is not necessarily inherent that the photographic paper is out of the exposure area, as contended by the Examiner, when the preliminary light emission is conducted. It is possible that Deguchi contemplates that some photographic paper is consumed prior to the printing of the actual image. In fact, Deguchi discloses the preference of preparing a reference image after the preliminary light emission (see col. 2, lines 20-25).

In addition, Deguchi discloses the use of a shutter arrays (PLZT and liquid crystal) after the light source (col. 5, lines 47-50), which presumably would control any exposure of the photographic paper, thus, further emphasizing that it is not inherent that the photographic paper necessarily has be out of the exposure area during the preliminary light emission.

Second, even if, for the sake of argument alone, the photographic paper is moved out of the exposure area prior to the preliminary light emission, Applicant submits that this is not equivalent to nor does it make obvious moving the print head itself. For instance, moving the printing head would present alignment issues and space considerations that are different from moving the photographic paper. Deguchi explicitly discloses fixed print heads (col. 7, lines 7-9), thus, does not provide the teachings or suggestions to one skilled in the art for modifying its printing head to move out of an exposure area.

Because claim 3 and 4 depend on claim 1, Applicant submits that these claims are patentable at least by virtue of their dependency.

**Claims 5-9 and 11-16:**

The Examiner has rejected claims 5-9 and 11-16 under 35 U.S.C. § 103(a) as being unpatentable over Gowda et al. (US 6,628,333) ["Gowda"] in view of Deguchi. For at least the following reasons, Applicant traverses the rejection.

Because claim 5 recites features similar to those given above with respect to claim 1 and Gowda does not cure the deficient teachings of Deguchi with respect to at least the feature "wherein the head scanning device removes the printing head from the exposure area during the

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preliminary emission process," Applicant submits that claim 5 is patentable for at least reasons similar to those given above with respect to claim 1.

Because claims 6-9 and 11-16 depend on either claim 1 or claim 5, Applicant submits that these claims are patentable at least by virtue of their respective dependencies.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

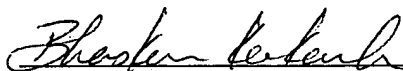
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